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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10
11 PAUL CRUM,
12 Plaintiff,
13 v.
14 CITY OF OAKLAND,
15 Defendant.

No. C 08-04162 CRB

REMAND ORDER

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18 Plaintiff Paul Crum filed a complaint asserting three claims against Defendant City of
19 Oakland: (1) violation of California Government Code § 12940; (2) violation of the
20 Americans with Disabilities Act of 1990 (“ADA”); and (3) violation of California Civil Code
21 § 3294. On October 31, 2008, the Court granted Defendant’s Motion to Dismiss as to Count
22 Two with thirty days leave to amend. The Court further granted dismissal of Count Three
23 without leave to amend. The Court indicated that if Plaintiff did not amend the complaint so
24 that it supports an alleged violation of the ADA, the Court would remand this case to state
25 court as the only remaining cause of action arises under state law.

26 More than thirty days have passed since the Court’s Order and Plaintiff has not
27 amended his complaint. As there is no federal question that would give this Court
28 jurisdiction, see 28 U.S.C. § 1331, this matter is hereby REMANDED to the Alameda

1 County Superior Court. The Initial Case Management Conference scheduled for December
2 12, 2008 is vacated.

3 **IT IS SO ORDERED.**

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6 Dated: December 8, 2008
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CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE